



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

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RETURN RECEIPT REQUESTED

MAR 01 2007

George Nicolaides
Refinery Manager
BP West Coast Products LLC
BP Carson Refinery
Box 6210
Carson, California 90749-6210

Re: Finding of Violation under the Clean Air Act (Docket No. R9-07-03)
In the matter of BP West Coast Products LLC

Dear Mr. Nicolaides:

Enclosed is a Finding of Violation that the United States Environmental Protection Agency is issuing to BP West Coast Products LLC ("BP West Coast"), under Section 113 of the Clean Air Act, 42 U.S.C. § 7413. BP West Coast owns and operates a petroleum refinery located in Carson, California ("Carson Refinery"). The purpose of the Finding of Violation is to notify you that EPA finds BP West Coast to have violated both the New Source Performance Standards and the National Emission Standards for Hazardous Air Pollutants at the Carson Refinery.

If you wish to discuss the enclosed Finding of Violation, you may request a conference with EPA. The conference will afford BP West Coast an opportunity to present information bearing on the findings of violations, the nature of the violations, and any efforts you have taken or propose to take to achieve compliance.

Please contact John Kim, EPA Air Division, at (415) 972-3984 to request a conference. Such request should be made as soon as possible, but in any event no later than 20 days after receipt of this letter. If you have any legal questions concerning this matter, please contact Thomas Mintz, EPA Office of Regional Counsel, at (415) 972-3896.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Jordan".

Deborah Jordan
Director, Air Division

Enclosure

cc: Dr. Barry Wallerstein, SCAQMD
James Ryden, CARB
Susan Sharp, BP

1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2 REGION IX

3 In the matter of)
4 BP WEST COAST PRODUCTS LLC) Docket No. R9-07-03
5 Carson, California) FINDING OF VIOLATION
6 Proceeding under 113(a)
of the Clean Air Act)

7 Pursuant to Section 113(a)(3) of the Clean Air Act (the
8 "Act"), 42 U.S.C. § 7413(a)(3), the United States Environmental
9 Protection Agency ("EPA") is issuing this Finding of Violation
10 ("FOV") to BP West Coast Products LLC ("BP West Coast") for
11 violations of the Act at its petroleum refinery located at 1801
12 East Sepulveda Boulevard, Carson, California ("Carson Refinery").
13 The EPA Administrator's authority to make FOVs has been duly
14 delegated to the Director of the Air Division for EPA Region IX.

15 STATUTORY AND REGULATORY BACKGROUND

16 1. The primary purpose of the Act is to protect and
17 enhance the quality of the nation's air resources so as to
18 promote the public health and welfare and the productive capacity
19 of its population. 42 U.S.C. § 7401(b)(1).

20 Standards of Performance for Petroleum Refineries
21 (40 C.F.R. Part 60, Subparts A and J)

22 2. Section 111 of the Act, 42 U.S.C. § 7411, required EPA
23 to publish a list of categories of stationary sources that, in
24 EPA's judgement, cause or contribute significantly to air
25 pollution which may reasonably be anticipated to endanger the
26 public health or welfare, and to promulgate standards of
27 performance for new sources within those categories. These

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standards are commonly known as the New Source Performance Standards ("NSPS") and are codified at 40 C.F.R. Part 60.

3. On December 23, 1971, EPA promulgated the NSPS General Provisions, codified at 40 C.F.R. Part 60, Subpart A ("Subpart A"). 36 Fed. Reg. 24877. Subpart A includes requirements that apply to owners or operators who are subject to subsequent subparts of 40 C.F.R. Part 60, except when otherwise specified in a particular subpart.

4. On March 8, 1974, EPA promulgated the NSPS for petroleum refineries, codified at 40 C.F.R. Part 60, Subpart J ("Subpart J"). 39 Fed. Reg. 9307. Subpart J applies, among other things, to fuel gas combustion devices ("FGCDs") and Claus sulfur recovery plants ("SRPs") at petroleum refineries that commenced construction, modification, or reconstruction (i) after June 11, 1973, for FGCDs, and (ii) after October 4, 1976, for SRPs. 40 C.F.R. § 60.100(a)-(b).

5. Pursuant to Subpart J, no owner or operator shall burn in any FGCD any fuel gas that contains hydrogen sulfide ("H₂S") in excess of 230 milligrams per dry standard cubic meter ("mg/dscm") (the combustion in a flare of process upset gases or fuel gas that is released to the flare as a result of relief valve leakage or other emergency malfunction is exempt). 40 C.F.R. § 60.104(a)(1).

6. In addition, Subpart J requires owners or operators of FGCDs that are subject to 40 C.F.R. § 60.104(a)(1) to install, calibrate, maintain, and operate an instrument for continuously

1 monitoring and recording the concentration of either sulfur
2 dioxide ("SO₂") emissions into the atmosphere or H₂S in fuel
3 gases before being burned in any FGCD. 40 C.F.R. § 60.105(a)(3)-
4 (4). All continuous monitoring systems and monitoring devices
5 ("CMS") must be installed and operational prior to conducting
6 required performance tests. 40 C.F.R. § 60.13(b). Except for
7 system breakdowns, repairs, calibration checks, and required zero
8 and span adjustments, all CMS must be in continuous operation.
9 40 C.F.R. § 60.13(e).

10 7. Pursuant to Subpart A, the owner or operator of an
11 affected facility must conduct performance test(s) and furnish
12 the Administrator a written report of the results of such
13 performance test(s). 40 C.F.R. § 60.8(a). The performance
14 test(s) must be performed within 60 days after achieving the
15 maximum production rate at which the affected facility will be
16 operated, but not later than 180 days after initial startup of
17 such facility. 40 C.F.R. § 60.8(a).

18 8. In addition, pursuant to Subpart A, each owner or
19 operator required to install a CMS must submit to the
20 Administrator excess emissions and monitoring systems performance
21 reports or summary report forms ("Excess Emissions Reports"). 40
22 C.F.R. § 60.7(c).

23 9. Pursuant to Subparts A and J, owners and operators
24 shall, at all times (including periods of startup, shutdown, and
25 malfunction) and to the extent practicable, maintain and operate
26 any FGCD or SRP (including associated air pollution control
27

1 equipment) in a manner consistent with good air pollution control
2 practice for minimizing emissions. 40 C.F.R. §§ 60.11(d) and
3 60.100(a).

4 National Emission Standards for Hazardous
5 Air Pollutants for Petroleum Refineries
6 (40 C.F.R. Part 63, Subparts A and UUU)

7 10. Section 112 of the Act, 42 U.S.C. § 7412, required EPA
8 to publish a list of categories of stationary sources of
9 hazardous air pollutants, and to promulgate regulations
10 establishing standards for sources within those categories.
11 These standards are known as the National Emission Standards for
12 Hazardous Air Pollutants ("NESHAPs") for Source Categories and
13 are codified at 40 C.F.R. Part 63.

14 11. On April 11, 2002, EPA promulgated the NESHAP for
15 petroleum refineries, codified at 40 C.F.R. Part 63, Subpart UUU
16 ("Subpart UUU"). 67 Fed. Reg. 17773. Subpart UUU applies, among
17 other things, to each new, reconstructed, or existing process
18 vent or group of process vents on catalytic reforming units
19 ("CRUs") that are associated with regeneration of the catalyst
20 used in the CRUs (including vents that are used during CRU
21 depressurization, purging, coke burn, and catalyst rejuvenation;
22 as well as each vent system that contains a bypass line that
23 could divert an affected air stream away from a control device
24 used to comply with the requirements of Subpart UUU). 40 C.F.R.
25 § 63.1562(a), (b)(2), and (b)(4).

26 ///

27 ///

1 12. Pursuant to Subpart UUU, for each existing semi-
2 regenerative CRU process vent during coke burn-off and catalyst
3 rejuvenation, the owner or operator must reduce uncontrolled
4 emissions of hydrogen chloride (HCl) by 92 percent by weight or
5 to a concentration of 30 parts per million by volume (dry basis),
6 corrected to 3 percent oxygen. 40 C.F.R. § 63.1567(a)(1) and
7 Subpart UUU, Table 22.

8 13. Pursuant to Subpart UUU, for semi-regenerative CRUs,
9 the owner or operator must conduct each performance test during
10 the coke burn-off and catalyst rejuvenation cycle. 40 C.F.R.
11 § 63.1567(b)(2) and Subpart UUU, Table 25. For existing CRU
12 process vents, the owner or operator must conduct performance
13 tests and report the results no later than 150 days after April
14 11, 2005 (for existing semi-regenerative CRU catalyst regenerator
15 vents, the owner or operator may do the tests at the first
16 regeneration cycle after April 11, 2005, and report the results
17 in a follow-up Notification of Compliance Status report due no
18 later than 150 days after the test). 40 C.F.R. §§ 63.1563(b),
19 63.1567(b)(2), and 63.1571(a).

20 GENERAL FINDINGS

21 14. BP West Coast, a Delaware limited liability company, is
22 a "person" within the meaning of Section 302(e) of the Act, 42
23 U.S.C. § 7602(e).

24 15. The Carson Refinery is a "stationary source" within the
25 meaning of Sections 111(a)(3) and 112(a)(3) of the Act, 42 U.S.C.
26 §§ 7411(a)(3) and 7412(a)(3), and as that term is defined in 40

1 C.F.R. §§ 60.2 and 63.2.

2 16. The Carson Refinery is a "petroleum refinery" as that
3 term is defined in 40 C.F.R. §§ 60.101(a) and 63.1561(a)(1).

4 17. The Carson Refinery's SRP ("Carson SRP") is a "Claus
5 sulfur recovery plant" as that term is defined in 40 C.F.R.
6 § 60.101(i).

7 18. Since at least January 18, 2001, the Carson SRP has
8 been an "affected facility" as that term is defined in 40 C.F.R.
9 §§ 60.2 and 60.100(a), and has been required to comply with the
10 requirements of Subparts A and J.

11 19. The Carson Refinery's heaters and boilers ("Carson
12 H&Bs") are "fuel gas combustion device[s]" as that term is
13 defined in 40 C.F.R. § 60.101(g).

14 20. Since at least August 29, 2001, each Carson H&B has
15 been an "affected facility" as that term is defined in 40 C.F.R.
16 §§ 60.2 and 60.100(a), and has been required to comply with the
17 requirements of Subparts A and J.

18 21. In or about 1985 and 1995, respectively, Flare FFHDS
19 and Flare 5 were installed at the Carson Refinery.

20 22. Flare FFHDS and Flare 5 are "fuel gas combustion
21 device[s]" as that term is defined in 40 C.F.R. § 60.101(g).

22 23. Flare FFHDS and Flare 5 are each a "new source" within
23 the meaning of Section 111(a)(2) of the Act, 42 U.S.C.
24 § 7411(a)(2), and an "affected facility" as that term is defined
25 in 40 C.F.R. §§ 60.2 and 60.100(a)-(b). Flare FFHDS and Flare 5
26 are required to comply with the requirements of Subparts A and J.

27

28 In the matter of BP West Coast Products LLC
Finding of Violation

1 24. The Carson Refinery is a "major source" within the
2 meaning of Section 112(a)(1) of the Act, 42 U.S.C. § 7412(a)(1),
3 and as that term is defined in 40 C.F.R. §§ 63.2 and
4 63.1561(a)(2).

5 25. The Carson Refinery's CRU No. 1, CRU No. 2, and CRU No.
6 3 ("Carson CRUs") are "catalytic reforming unit[s]" as that term
7 is defined in 40 C.F.R. § 63.1579.

8 26. The process vents or group of process vents (including
9 bypass lines) on the Carson CRUs that are associated with
10 regeneration of the catalyst used in the Carson CRUs ("Carson CRU
11 Process Vents") are "affected source[s]" as that term is defined
12 in 40 C.F.R. §§ 63.2 and 63.1562(b)(2) and (4), and "existing
13 source[s]" within the meaning of Section 112(a)(10) of the Act,
14 42 U.S.C. § 7412(a)(10), and as that term is defined in 40 C.F.R.
15 § 63.2.

16 27. Since BP West Coast conducts "semi-regenerative
17 reforming" as that term is defined in 40 C.F.R. § 63.1579, BP
18 West Coast must either (i) conduct the performance tests and
19 report the results no later than 150 days after April 11, 2005,
20 or (ii) conduct the performance tests at the first regeneration
21 cycle after April 11, 2005, and report the results in a follow-up
22 Notification of Compliance Status report due no later than 150
23 days after the test.

24 28. BP West Coast is the "owner or operator" of the Carson
25 Refinery (as well as the Carson SRP, the Carson H&Bs, Flare 5,
26 Flare FFHDS, and the Carson CRU Process Vents) within the meaning
27

1 of Sections 111(a)(5) and 112(a)(9) of the Act, 42 U.S.C.
2 §§ 7411(a)(5) and 7412(a)(9), and as that term is defined in 40
3 C.F.R. §§ 60.2 and 63.2.

4 FINDINGS OF VIOLATIONS OF SUBPARTS A AND J

5 29. Since at least January 1, 2002, BP West Coast has
6 violated 40 C.F.R. § 60.104(a)(1) on one or more occasions by
7 burning in Flare FFHDS, Flare 5, or one or more of the Carson
8 H&Bs fuel gas that contains H₂S in excess of 230 mg/dscm.

9 30. Since in or about 1985 for Flare FFHDS and in or about
10 1995 for Flare 5, BP West Coast has violated and continues to
11 violate 40 C.F.R. § 60.105(a) by failing to install, calibrate,
12 maintain, or operate a CMS for either Flare FFHDS or Flare 5 that
13 monitors and records the concentration of either SO₂ emissions
14 into the atmosphere or H₂S in fuel gases before being burned in
15 Flare FFHDS or Flare 5.

16 31. Since in or about 1985 for Flare FFHDS and in or about
17 1995 for Flare 5, BP West Coast has violated and continues to
18 violate 40 C.F.R. § 60.8(a) by failing to conduct performance
19 tests for either Flare FFHDS or Flare 5 and furnish the
20 Administrator a written report of the results of such performance
21 tests.

22 32. Since in or about 1985 through September 2006 for Flare
23 FFHDS and in or about 1995 through September 2006 for Flare 5, BP
24 West Coast has violated 40 C.F.R. § 60.7(c) by failing to submit
25 to the Administrator Excess Emissions Reports for Flare FFHDS or
26 Flare 5.

1 33. Since January 1, 2002, BP West Coast has violated 40
2 C.F.R. §§ 60.13(e) and 60.105(a) on one or more occasions by
3 failing to maintain and to operate continuously one or more CMS
4 associated with the Carson SRP or Carson H&Bs.

5 34. Since at least January 1, 2002, BP West Coast has
6 violated 40 C.F.R. § 60.11(d) on one or more occasions by failing
7 to maintain and operate Flare FFHDS, Flare 5, or one or more of
8 the Carson H&Bs in a manner consistent with good air pollution
9 control practice for minimizing emissions.

10 FINDING OF VIOLATION OF SUBPART UUU

11 35. BP West Coast has violated and continues to violate 40
12 C.F.R. § 63.1567(b)(2) and Subpart UUU, Table 25, by failing to
13 conduct performance tests on the Carson CRU Process Vents during
14 both the coke burn-off and catalyst rejuvenation cycle.

15 OPPORTUNITY FOR CONFERENCE

16 36. BP West Coast may, upon request, confer with EPA. The
17 conference will enable BP West Coast to present evidence bearing
18 on the findings of violations, the nature of the violations, and
19 any efforts BP West Coast may have taken or proposes to take to
20 achieve compliance. BP West Coast may be represented by counsel.
21 A request for a conference must be made within twenty (20) days
22 of receipt of this FOV. The request for a conference or other
23 inquiries concerning the FOV should be made in writing to:

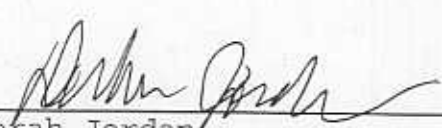
24 Thomas P. Mintz (ORC-2-1)
25 Office of Regional Counsel
26 U.S. Environmental Protection Agency, Region IX
27 75 Hawthorne Street
28 San Francisco, California 94105
(415) 972-3896

or

John Kim (AIR-5)
Air Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
(415) 972-3984

DATE

3-1-07


Deborah Jordan
Director, Air Division
United States Environmental Protection
Agency, Region IX



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

MAR 01 2007

James Ryden
Director
Enforcement Division
California Air Resources Board
P.O. Box 2815
Sacramento, California 95812

Re: Finding of Violation under the Clean Air Act (Docket No. R9-07-03)
In the matter of BP West Coast Products LLC

Dear Mr. Ryden:

Enclosed for your information is a copy of a Finding of Violation that the United States Environmental Protection Agency ("EPA") issued to BP West Coast Products LLC ("BP West Coast"), under Section 113 of the Clean Air Act, 42 U.S.C. § 7413. The Finding of Violation is intended to notify BP West Coast that EPA finds the company to have violated both the New Source Performance Standards and the National Emission Standards for Hazardous Air Pollutants at BP West Coast's petroleum refinery located in Carson, California.

The Finding of Violation informs BP West Coast that a conference on the matter may be arranged by making a request to EPA within 20 days after receipt of the Finding of Violation. Please contact John Kim of the EPA's Air Enforcement Office at (415) 972-3984 if you have any questions regarding the Finding of Violation.

Sincerely,


Deborah Jordan
Director, Air Division

Enclosure

cc: Dr. Barry Wallerstein, SCAQMD



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

MAR 01 2007

Dr. Barry Wallerstein
Executive Officer
South Coast Air Quality Management District
21865 East Copley Drive
Diamond Bar, California 91765

Re: Finding of Violation under the Clean Air Act (Docket No. R9-07-03)
In the matter of BP West Coast Products LLC

Dear Dr. Wallerstein:

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Deborah Jordan
Director, Air Division

Enclosure

cc: James Ryden, CARB